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OFFICE OF PETITIONS

In re Application of: :
Mariyama et al. :
Application No. 10/731,087 : DECISION ON
Filed: December 10, 2004 : PETITION
For: BIDIRECTIONAL PHOTOTHYRISTOR :
CHIP, LIGHT-FIRED COUPLER AND :
SOLID STATE RELAY :

This is a decision on the Petition UNDER 37 CFR 1.182, filed June 25, 2004. The Petition requests substitution of drawing sheet 20 - 24.

The application was filed on December 10, 2003. However, on April 26, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice") stating that the application had been accorded a filing date of December 10, 2003, and advising applicants that Figures 24B and 25 described in the specification appeared to have been omitted from the application.

In response, the present petition was filed. The petition is accompanied by a formal drawing correction renumbering the drawing Figures of drawing sheet 20-24 as 21-25, and seeks to add drawing Figure 20. The petition explains that the correct Figure 20 was not filed on December 10, 2003, instead Figures 20-24 were mislabeled, and that no new matter has been added.

Figures 20-24, filed December 10, 2003, and corrected Figures 21-25

A review of the file confirms that the drawings filed on December 10, 2003, included Figures 20, 21, 22, 23A, 23B and 24. A review of the corrected drawing Figures filed with the instant petition confirms that drawing Figures 20, 21, 22, 23A, 23B and 24 have been renumbered to Figures 21, 22, 23, 24A, 24B and 25. The proposed drawing corrections filed on June 25, 2004, will be considered by the primary examiner in due course. See MPEP 608.02(h).

However, the specification filed on December 10, 2003, describes Figures 24B and 25. Since the drawings filed on December 10, 2003, did not include figures labeled "Fig-24B" and "Fig-25", the "Notice" mailed April 26, 2004, was correct in advising applicants that drawings of Figures 24A and 25 appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

Figure 20, filed June 25, 2004

Applicant seeks to add drawing Figure 20, filed with the instant petition, and avers that the drawing Figure is not new matter as it the same Figure appearing in priority documents. Applicant is advised that a petition is not required to add the drawing Figure. New drawings may be entered by the primary examiner without a petition so long as the drawings contain no new matter. See, MPEP § 608.02(a).

The petition is dismissed.

The petition fee is required, since the petition was not necessary to correct any PTO error.

The application file is an Image File Wrapper ("IFW"), and as such, no forwarding of the file is necessary. An electronic mail message will be sent to the Office of Initial Patent Examination for further processing with a filing date of December 10, 2003, using the drawings filed on that date.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.



Derek L. Woods
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Office of Petitions